

PRESDING JUSTICE ARLEIGH M. WOODS
CHAIRPERSON

ANDY GUY

CHAMPENSON

JUDGE EUGENE M. FREED

JUDGE INA LEVIN GYENANT

JUDGE WILLIAM A. MASTERSON

JUDGE FRANCISCO F. FIRMAY

A. TERRY ANDRELLINI, ESQ.

DENNIS A. CORNELL, ESQ.



State of California

Commission on Judicial Performance

1390 Market Street, Suite 304

San Francisco, CA 94102

(415) 667-2503

JACK E. FRANKEL
DIRECTOR-CHIEF COUNSEL

November 29, 1989

Honorable Calvin P. Schmidt
c/o Thomas R. Malcolm, Esq.
WYMAN BAUTZER KUCHEL & SILBERT
2600 Michelson Drive, Suite 700
Irvine, CA 92715

Dear Judge Schmidt:

Following a five-day hearing before three special masters appointed by the Supreme Court to inquire into charges against you, the commission considered the record of the hearing and the report of the special masters and ordered you publicly reprimanded for conduct warranting discipline as follows:

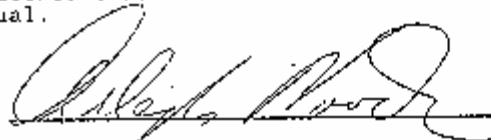
Judge Schmidt twice ordered the release from custody of one Terri Ann McMullen, the stepdaughter of Judge Schmidt's friend, Robert Guggenheim. Judge Schmidt's first release of McMullen followed another judge's denial of McMullen's motion for an O.R. release or a bail reduction. Before Judge Schmidt's second release of McMullen, McMullen had failed to appear in court and had been arrested on new charges, and the aggregate bail settings exceeded \$50,000. The obvious and sole reason for Judge Schmidt's actions was his friendship with McMullen's step-father. Judge Schmidt's O.R. releases of McMullen were arbitrary and capricious exercises of Judge Schmidt's judicial discretion and undermined public confidence in the integrity and impartiality of the judiciary. (See Canon 2, California Code of Judicial Conduct.)

Honorable Calvin P. Schmidt
November 29, 1989
Page Two

Judge Schmidt made political contributions from his own campaign funds to non-judicial candidates in patent violation of Canon 7 of the Code of Judicial Conduct.

Judge Schmidt had been charged with providing preferential treatment to a friend who appeared before him. It was found that the case disposition was not unusual under existing Harbor Court policy.

Judge Schmidt had been charged with providing preferential treatment in exchange for sexual favors to a prostitute who had appeared before him. No evidence was introduced as to the exchange of sexual favors, and there was evidence that the case disposition was not unusual.



ARLEIGH WOODS, CHAIRPERSON
Commission on Judicial Performance

EXPRESS MAIL